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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,412	07/07/2003	Jack I. J'Maev	JJ-037-US	7952

7590 10/08/2004

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EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,412

Applicant(s)

J'MAEV, JACK I. 

Examiner

Michael J Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "time clock" in claim 7 is used by the claim to mean "storage of values", while the accepted meaning is "something which tells time." The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,766,162 to Beamish.

As to claims 1 and 12 Beamish discloses a method for receiving signals including; receiving a signal (col 5, lines 2-7), notifying a user of the signal (via message indicator 171), recording a signal in a substantially permanently manner (col 7 line 5, the message is saved in the buffer, it is saved until sent).

Beamish does not, however, teach the signal as relating to a product or specifically mention using non-volatile memory. It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Beamish by using it in relation to a product as Beamish teaches this as a good method of receiving necessary signals. Non-volatile memory is well known in the art as a useful tool for saving data as it saves the data when the power is turned off to a computer. Therefore, it would have been obvious to one of ordinary skill in the art to use non-volatile memory as Beamish discloses saving the messages until they are sent and non-volatile memory would ensure that they are kept if there is a power outage.

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As to claims 2 and 13, Beamish discloses monitoring a communications channel (col 4, line 67-col 5, line 2), decoding a signal received (col 6, lines 62-63), recognizing a message in the decoded signal (col 6, lines 63-66).

As to claims 3 and 14, Beamish discloses using wired-network activity (col 4, line 67- col 5, line 2), or a wireless system (claim 4).

As to claims 4,15 and 16, Beamish further discloses determining an anticipation window (col 6, lines 34-37), enabling communications channel monitoring during the window (col 6, line 37-40) and disabling it outside the window (col 6, lines 45-46), further there would inherently be a comparator as Beamish discloses enabling the channel at selected times.

As to claims 5 and 17, it would be inherent that a computer would compare a digital identifier to a current time value as computers inherently use digital values and further, are supplied with a clock and further, a computer would be capable of storing a new time value.

As to claim 6, Beamish further discloses using a digital identifier (VMWI CLASS FSK, as noted in col 6, lines 49-51) to identify signals. Beamish discloses capturing the message.

As to claim 7, as best understood, Beamish does not specifically mention capturing a time value from the message. However, it is very well known in the art that computer 'time-stamp' received and updated items, therefore, it would be inherent that the computer would capture the time and store it.

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As to claims 8 and 19, Beamish discloses a visual indicator (171, as described in col 9, lines 1).

As to claims 9 and 20, it would be inherent that the signal is displayed alphanumerically as this is what people can read.

As to claim 10, Beamish discloses a Boolean message received indicator (either received or not, as discussed in col 5, lines 17-19).

As to claim 11, Beamish discloses recording the message electrically (col 7 line 5, the message is saved in the buffer).

As to claim 18, Beamish discloses a message register capable of storing a message (buffer) when a digital identifier matches a local identifier (claim 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,782,422 to Bahl et al., Bahl et al. disclose a system and method for notification systems in response to an event, 6,775,658 to Zothner, Zothner discloses a notification system with a business rule trigger control, US PAT 6,549,939 to Ford et al., Ford et al. disclose a calendar notification agent that sends messages in response to an event.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

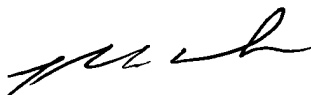
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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

9/28/04


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